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International Criminal Court

International Criminal Court

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 57/23. It provides a brief account of the sessions of the Assembly of States Parties to the Rome Statute of the International Criminal Court, focusing on activities relating to the United Nations Secretariat in its capacity as provisional secretariat for the Assembly of States Parties.

* A/58/150.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 57/23 of 19 November 2002, entitled "Establishment of the International Criminal Court". In that resolution the Assembly, inter alia:

(a) Took note of the report of the Secretary-General on the establishment of the International Criminal Court (A/57/403), in particular its paragraphs 12 to 15 indicating the decision of the Assembly of States Parties to the Rome Statute of the International Criminal Court to resume its first session from 3 to 7 February and from 21 to 23 April 2003 and to hold the meeting of the Committee on Budget and Finance from 4 to 8 August 2003 and the second session of the Assembly of States Parties from 8 to 12 September 2003, all at United Nations Headquarters;

(b) Recognized the need to make available, on a provisional basis, adequate resources and secretariat services for the Assembly of States Parties to enable it to discharge its functions efficiently and expeditiously;

(c) Requested the Secretary-General to undertake the preparations necessary for holding the meetings referred to in subparagraph (a) above in accordance with the rules of procedure of the Assembly of States Parties;

(d) Also requested the Secretary-General to make available to those meetings secretariat services for the necessary preparatory work as well as for any post-session follow-up actions;

(e) Further requested the Secretary-General to take steps to expand the mandate of the trust fund established pursuant to General Assembly resolution 51/207 for voluntary contributions towards meeting the costs of participation of the least developed countries in the work of the Assembly of States Parties;

(f) Decided that the costs of services rendered to the Assembly of States Parties that might accrue to the United Nations as a result of the implementation of the resolution should be paid in advance to the Organization.

II. First and second resumptions of the first session of the Assembly of States Parties

2. In accordance with its decision taken at its 3rd meeting, on 9 September 2002,[1] the Assembly of States Parties to the Rome Statute of the International Criminal Court held the first and second resumptions of its first session at United Nations Headquarters from 3 to 7 February and from 21 to 23 April 2003.

3. At its 12th meeting, on 23 April 2003, the Assembly of States Parties adopted its report,[2] containing details of its deliberations during the two resumptions of its first session. Among the important matters addressed, the Assembly conducted the election of 18 judges of the International Criminal Court in 33 rounds of balloting. The inaugural meeting of the judges was held at The Hague on 11 March 2002, on which occasion the elected judges gave their solemn undertakings under article 45 of the Rome Statute. The judges elected Judge Philippe Kirsch (Canada) as the first President of the Court. The Assembly of States Parties also elected the Prosecutor of the International Criminal Court, Luis Moreno Ocampo (Argentina), who gave his solemn undertaking at The Hague on 16 June 2003. The President and the

Prosecutor of the Court addressed the Assembly on 22 April, during the second resumption.

4. The Assembly of States Parties also elected 10 of the 12 members of the Committee on Budget and Finance and decided that the Committee would commence functions as partially constituted. It also made recommendations concerning the election of the Registrar and fixed the nomination period for members of the Board of Directors of the Victims Trust Fund. The Assembly also considered the Bureau's proposal for the meetings of the special working group on the crime of aggression and the Bureau's report on the appointment of the External Auditor. On 24 June 2003, the Judges elected Bruno Cathala (France) as the Registrar of the Court.

III. Meeting of the Committee on Budget and Finance

5. In accordance with the decision taken by the Assembly of States Parties at its 3rd meeting, on 9 September 2002,[1] the Committee on Budget and Finance, established pursuant to resolution ICC-ASP/1/Res.4 of 3 September 2002 and resolution ICC-ASP/1/Res.16 of 21 April 2003, held its first session at United Nations Headquarters from 4 to 8 August 2003.

6. The Committee conducted a technical examination of the proposed programme budget of the Court for fiscal year 2004 and submitted its comments and recommendations[3] for the consideration of the Assembly of States Parties at its second session.

IV. Second session of the Assembly of States Parties

7. In accordance with its decision taken at its 3rd meeting, on 9 September 2002,[1] the Assembly of States Parties held its second session at United Nations Headquarters from 8 to 12 September 2003.

8. At its 5th meeting, on 12 September 2003, the Assembly of States Parties received an oral report on its deliberations during the second session. The important matters addressed included the election of Serge Brammertz (Belgium) as Deputy Prosecutor of the International Criminal Court and the election of Queen Rania Al-Abdullah (Jordan), Óscar Arias Sánchez (Costa Rica), Tadeusz Mazowiecki (Poland), Desmond Tutu (South Africa) and Simone Veil (France) as members of the Board of Directors of the Trust Fund for the benefit of victims of crimes within the jurisdiction of the Court and families of such victims. Elections were also held for the two remaining members of the Committee on Budget and Finance. The Assembly considered and adopted the programme budget for the Court for fiscal year 2004. The Assembly also adopted several resolutions concerning, inter alia, the programme budget, the Committee on Budget and Finance and the recognition of the coordinating and facilitating role of the non-governmental organization Coalition for the International Criminal Court. The Assembly approved the staff regulations of the Court and decided to establish the permanent secretariat of the Assembly of States Parties. The Assembly further received a report from the special working group on the crime of aggression, which held several meetings during the session, as well as reports on the activities of the Court and of the Bureau.

V. Special fund established pursuant to General Assembly resolution 51/207

9. In accordance with paragraph 9 of General Assembly resolution 57/23, the Secretary-General took the necessary steps within the Secretariat to expand the mandate of the fund established pursuant to General Assembly resolution 51/207 of 17 December 1996 for voluntary contributions towards meeting the costs of participation of the least developed countries in the work of the Assembly of States Parties.

10. During the first and second resumptions of the first session, a total of 41 delegates benefited from the trust fund. During the second session, as well as the meeting of the Committee on Budget and Finance, 23 delegates received assistance from the trust fund. The delegates were provided with return air tickets. The Secretary-General expresses his appreciation to all countries that have contributed voluntarily to the fund.

11. At its 5th meeting, on 12 September 2003, the Assembly of States Parties adopted the following resolution concerning the establishment of a trust fund for the participation of the least developed countries in the activities of the Assembly of States Parties:

The establishment of a trust fund for the participation of the least developed countries in the activities of the Assembly of States Parties

The Assembly of States Parties,

Recalling General Assembly resolutions 51/207 of 17 December 1996 and 57/23 of 19 November 2002,

Recalling also its resolution ICC-ASP/1/Res.8 of 9 September 2002 on the provisional arrangements for the secretariat of the Assembly of States Parties,

Having decided in its resolution ICC-ASP/2/Res.__[4] to establish the secretariat of the Assembly,

1. *Requests* the Registrar to establish a trust fund under the authority of the secretariat of the Assembly for the participation of the least developed countries in the work of the Assembly and its subsidiary bodies, and calls upon States, international organizations, individuals, corporations and other entities to contribute voluntarily to the fund;

2. *Decides* to request the Secretary-General of the United Nations to close the special fund established pursuant to General Assembly resolution 51/207 of 17 December 1996, the mandate of which was expanded by General Assembly resolutions 53/105 of 8 December 1998 and 57/23 of 19 November 2002, and to take the necessary steps to facilitate the transfer, as appropriate, of any funds remaining to the trust fund established pursuant to the present resolution.

VI. Provision of secretariat services in 2003 and costs of services rendered

12. In accordance with General Assembly resolution 57/23 and guided by Assembly of States Parties resolution ICC-ASP/1/Res.8 of 9 September 2002, in 2003 the Secretariat of the United Nations continued to carry out the necessary substantive and technical secretariat functions for the Assembly of States Parties, including its Bureau, the Credentials Committee, the Committee on Budget and Finance, the special working group on the crime of aggression and other working groups established by the Assembly.

13. Notably, the Secretariat was responsible for routine communication exchanges and administrative preparations in respect of international meetings held at Headquarters. It provided the necessary conference facilities and services for and substantive servicing of all meetings of the bodies referred to in paragraph 12 above. This included the provision, as appropriate, of interpretation, translation and technical services; and the substantive preparation, editing, processing and distribution of relevant pre-, in- and post-session documentation, including reports for the first and second resumptions of the first session and the second session of the Assembly of States Parties, as well as the draft programme budget and comments and recommendations of the Committee on Budget and Finance.

14. The Secretariat was also responsible for the organization of, and administrative and logistical arrangements for, the election of the judges, including briefings on election procedures, and the election of the Prosecutor and Deputy Prosecutor, the members of Committee on Budget and Finance and the Board of Directors of the Victims Trust Fund.

15. It was also responsible for arranging other non-conference servicing requirements, including public information activities, administration of the trust fund established pursuant to resolution 51/207, travel arrangements for the beneficiaries of the trust fund and the issuance of correspondence concerning the assessment of contributions.

16. The trust fund established pursuant to paragraph 10 of General Assembly resolution 56/85 of 12 December 2001[5] to meet the expenses of the first session of the Assembly of States Parties continued to be utilized for the costs of the services rendered by the United Nations Secretariat at the subsequent meetings of the Assembly of States Parties.

17. At its 5th meeting, on 12 September 2003, the Assembly of States Parties, pursuant to its resolution ICC-ASP/1/Res.9 of 9 September 2002, decided to establish the secretariat of the Assembly of States Parties. It is expected that handover arrangements and the smooth transfer of secretariat operations will be completed by 31 December 2003. The Secretariat has already transmitted to the Registrar of the Court a complete set of the documents of the Preparatory Commission and the Assembly of States Parties in all six official languages of the United Nations, as well as copies of the official records of the Rome Conference and of the Assembly of States Parties in those six languages. The official records of the Rome Conference and the Assembly of States Parties were also transmitted in electronic format in all six languages, on three CD-ROMs.

18. Also at the 5th meeting, the Assembly of States Parties adopted the following resolution on the role of the United Nations in the establishment of the International Criminal Court.

Role of the United Nations in the establishment of the International Criminal Court

The Assembly of States Parties,

Recalling all relevant resolutions of the General Assembly relating to the establishment of the International Criminal Court, including resolution 57/23 of 19 November 2002,

Bearing in mind its resolution ICC-ASP/1/Res.8 of 9 September 2002 on the provisional arrangements for the secretariat of the Assembly of States Parties as well as its resolution ICC-ASP/1/Res.9 of 9 September 2002 on the permanent secretariat of the Assembly of States Parties,

Having decided in its resolution ICC-ASP/2/Res.__[4] to establish the secretariat of the Assembly,

1. *Acknowledges* the important role played by the United Nations in the establishment of the International Criminal Court;

2. *Expresses* its deep appreciation to the Secretary-General and Secretariat of the United Nations for their outstanding support in the establishment of the International Criminal Court, and also acknowledges with satisfaction the dedication and professionalism of the staff of the Codification Division of the Office of Legal Affairs, which served in an exemplary manner as secretariat, and in particular of the Ad Hoc Committee and Preparatory Committee on the establishment of an International Criminal Court, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, the Preparatory Commission for the International Criminal Court and the Assembly of States Parties to the Rome Statute of the International Criminal Court.

Notes

[1] See *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part I, para. 39.

[2] See *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session (First and second resumptions), New York, 3-7 February and 21-23 April 2003* (United Nations publication, Sales No. E.03.V.8).

[3] See ICC-ASP/2/7 and Corr.1.

[4] See ICC-ASP/2/L.5; the resolution will be numbered in the final report of the second session of the Assembly of States Parties, New York, 8-12 September 2003.

[5] See A/C.6/56/L.25 for the programme budget implications of the resolution.